

# HOUSE BILL REPORT

## SSB 5085

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### As Passed House - Amended:

April 13, 2005

**Title:** An act relating to child passenger restraint systems.

**Brief Description:** Holding child car seat installers harmless for damages.

**Sponsors:** By Senate Committee on Transportation (originally sponsored by Senators Weinstein, Haugen, Jacobsen and Kline).

### Brief History:

#### Committee Activity:

Judiciary: 3/18/05, 3/31/05 [DPA].

#### Floor Activity:

Passed House - Amended: 4/13/05, 96-0.

### Brief Summary of Substitute Bill (As Amended by House)

- Provides immunity to nationally certified passenger safety technicians who, in good faith, inspect, adjust, or provide educational services on child passenger restraint systems, unless the act or omission constitutes gross negligence or willful or wanton misconduct or unless the technician is an employee of a retailer of child passenger restraint systems and is providing such services during the employee's working hours and for compensation.

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## HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended. Signed by 10 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Serben, Springer and Wood.

**Staff:** Trudes Tango Hutcheson (786-7384).

### Background:

A child less than 6 years old and/or 60 pounds traveling in a motor vehicle must be placed in a child restraint system that complies with federal standards and is installed according to the manufacturer's instructions. The laws specify the types of child seats required according to the child's age and weight. Failure to comply with the child restraint laws does not constitute

negligence by the parent or legal guardian and is not admissible as evidence of negligence in any civil action.

The National Standardized Child Passenger Safety Training Program (CPS), developed by the National Highway Traffic Safety Administration, offers training for individuals to become certified CPS technicians and instructors, who may then educate the public and assist with selection, installation, and use of child safety seats. To become certified, the person must successfully complete a 32-hour training program. The certification is valid for two years, with re-certification available by completing an exam and demonstrating five child seat installations.

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**Summary of Amended Bill:**

A person who has a current national certification as a CPS technician and who in good faith provides inspection, adjustment, or educational services on child passenger restraint systems is not liable for civil damages resulting from any act or omission unless such acts or omissions constitute gross negligence or willful or wanton misconduct. The immunity does not apply to an employee of a retailer of child passenger restraint systems if the employee is providing the service during the employee's hours of employment and for compensation.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** This bill will make it more difficult for people to sue those certified technicians who are trying to help parents. The "not for compensation" language was meant to limit liability to employees of stores who are making money by selling car seats. This is a way to help good Samaritans doing a public service.

(In support with amendment) The "not for compensation" should be removed or modified. That language will deny immunity to people like nurses and firefighters who provide this service while on the job.

**Testimony Against:** None.

**Persons Testifying:** (In support) Senator Weinstein, prime sponsor.

(In support with amendment) Dave Overstreet, American Automobile Association.

**Persons Signed In To Testify But Not Testifying:** None.